

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KEVIN TYLER,

Plaintiff,

Case No. 21-cv-11252
Hon. Matthew F. Leitman

v.

PEOPLE OF THE STATE
OF MICHIGAN,

Defendant.

/

**ORDER DISMISSING PLAINTIFF'S
COMPLAINT (ECF No. 1) WITHOUT PREJUDICE**

Plaintiff Kevin Tyler is a state inmate in the custody of the Michigan Department of Corrections. He is currently incarcerated at the Genesee County Jail. On May 21, 2021, Tyler filed a *pro se* civil-rights Complaint under 42 U.S.C. § 1983, but he failed to pay the required filing fee or file the necessary documentation to proceed *in forma pauperis*. Accordingly, on June 25, 2021, the Court issued an order directing Tyler to correct the filing deficiency within 30 days. (*See* Order, ECF No. 3.) The order provided that “[s]hould [Tyler] fail to pay the filing fee and the administrative fee, or fail to file the required documents [to proceed *in forma pauperis*], the Court must presume that he is not proceeding without prepayment of the fee, assess the entire fee, and order the case dismissed for want of prosecution.” (*Id.*, PageID.10.)

On July 19, 2021, Tyler asked the Court for an extension of time to correct the deficiency. (*See* Mot., ECF No. 5.) Tyler explained that COVID-19-related protocols at the Genesee County Jail had made it impossible for him to obtain the inmate account information necessary for him to complete his application to proceed *in forma pauperis*. (*See id.*)

The Court granted Tyler's motion in a written order dated August 18, 2021. (*See* Order, ECF No. 6.) In that order, the Court provided Tyler until October 4, 2021, to either pay the required filing fee or submit a signed, completed *in forma pauperis* application and related prison account documentation. (*See id.*, PageID.15.) The Court then told Tyler that if he failed to "comply with [the Court's] order, the Court [would] dismiss his Complaint without prejudice." (*Id.*)

Tyler has not responded to the Court's August 18 order. Nor has he paid the filing fee, filed a completed and signed *in forma pauperis* application, or contacted the Court to request additional time to comply with the Court's order. Therefore, due to Tyler's failure to comply with the Court's August 18 order and his failure to pay the required filing fee or file an application to proceed *in forma pauperis*, the Court **DISMISSES** this action **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 20, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 20, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764